

DENNIS P. RIORDAN, Esq., SBN 69320
dennis@riordan-horgan.com
DONALD M. HORGAN, Esq., SBN 121547
don@riordan-horgan.com
RIORDAN & HORGAN
523 Octavia Street
San Francisco, CA 94102
Telephone: (415) 431-3472
Facsimile: (415) 552-2703

Attorneys for Defendant-Appellant
CHANDRAKANT SHAH

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHANDRAKANT SHAH, et al.)	No. CV 13-04634 EJD
Defendants-Appellants.)	
vs.)	MOTION FOR 14-DAY
MOHAMED POONJA,)	EXTENSION OF TIME TO FILE
Plaintiff-Appellee.)	APPELLANT'S OPENING BRIEF;
)	<u>AND [PROPOSED] ORDER</u>

Defendant-appellant Chandrakant Shah, through his counsel, hereby moves the Court for a 14-day extension of time, from March 18, 2014, to and including April 1, 2014, to file his opening brief in this matter.

In support of this motion, Dennis P. Riordan declares under penalty of perjury as follows:

1. I am counsel for Mr. Shah in this appeal.
2. This case involves an appeal of a multi-million dollar judgment in favor of the trustee in a bankruptcy proceeding based on a claim that defendant-appellant Shah breached a provision of a contract to purchase a hotel out of bankruptcy.
3. The Record on Appeal was filed in the district court and entered on the district court docket on February 18, 2014. The record contains: Four Volumes of Clerk's Transcript

1 Consisting of 64 Requests for Judicial Notice (pleadings, orders, etc.) (1028 pages); Two
 2 Volumes of Clerk' Transcript consisting of 100 Trial Exhibits (597 pages); and Two Volumes of
 3 Reporter's Transcript reporting two days of proceedings (413 pages).

4 4. Pursuant to the Clerk's Notice of Briefing filed on October 7, 2013 (Dkt. 3),
 5 appellant's opening brief is presently due 28 days after the record on appeal was entered in the
 6 district court docket (February 18, 2014), i.e., by March 18, 2014.

7 5. Defendant-Appellant Shah was represented in the course of the bankruptcy
 8 proceedings by Attorney Gregory Charles. This Court filed an order permitting this office to
 9 substitute in as newly retained counsel for Mr. Shah on February 27, 2014. (Dkt. 8)

10 6. This motion is founded on our need to familiarize ourselves with the record on appeal
 11 and on the extraordinary press of business in our office which will prevent our filing appellant's
 12 opening brief by the present due date. Specifically, as to the latter, during the next thirty days,
 13 we will be required to file, *inter alia* a motion for relief under 28 U.S.C. §2255 in *United States*
 14 *v. Hayat*, East. Dist. No. CR S-05-0240 GEB; a sentencing memorandum in *United States v.*
 15 *Melei*, No. Dist. No. 3:13-cr-00327-CRB;; an opening brief in *People v. Colula*, First. Dist. No.
 16 A138407; a reply brief in *Galvan v. Yates*, Ninth Cir. No. 12-16231; and a reply brief in an anti-
 17 trust matter, *United States v. Shiu Lung Leung*, Ninth Cir. No. 13-10242.

18 7. I have contacted James A. Hennefer, counsel for appellee, and Mr. Hennefer stated in
 19 response that he has no objection to this request for an extension of time.

20 8. We have exercised diligence in this matter and will file the opening brief on the
 21 requested date should the present motion be granted.

22 9. For the foregoing reasons, I respectfully request that the Court grant us a 14-day
 23 extension of time, to and including April 1, 2014, to file appellant's opening brief.

24 Executed this 6th day of March, 2014, at San Francisco, California.

25
 26 /s/ Dennis P. Riordan
 Dennis P. Riordan

27 Attorney for Defendant-Appellant
 28 CHANDRAKANT SHAH

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHANDRAKANT SHAH, et al.
Defendants-Appellants.

vs.

MOHAMED POONJA,
Plaintiff-Appellee,

No. CV 13-04634 EJD

[PROPOSED] ORDER

On motion of appellant and good cause appearing therefore, it is hereby ordered that
appellant be permitted to file his opening brief on or before April 1, 2014.

Dated: _____

HONORABLE EDWARD J. DAVILA
United States District Court Judge